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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,350	09/30/2003	Govindaraj Ramanathan	3382-66925	7133
26119 7590 10/16/2008 KLARQUIST SPARKMAN LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204				
EXAMINER				
JACOB, MARY C				
ART UNIT		PAPER NUMBER		
2123				
MAIL DATE		DELIVERY MODE		
10/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action**  
**Before the Filing of an Appeal Brief**

**Application No.**

10/676,350

**Applicant(s)**

RAMANATHAN, GOVINDARAJ

**Examiner**

MARY C. JACOB

**Art Unit**

2123

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The amendments to the claims has changed the scope of the claims and will require further search and consideration. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-17.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/Paul L Rodriguez/  
Supervisory Patent Examiner, Art Unit 2123

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Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments to Claim 13 regarding Kim not teaching or suggesting receiving action requests "from a control point" (remarks pages 9-10) are directed to a limitation that has been amended into the claim and would require further search and consideration. The Examiner notes that page 966, paragraphs 1 and 2 provide a further description of the home server program of Figure 2, and recite, "The control point sends a discovery request..." as well as "The user control point (UCP) requests a description document...", indicating that a request from a user is a request from a control point. As to the home server not being an appliance emulator, the Examiner points to Figures 9 and 10 which are clear descriptions of appliance emulators. Further regarding Claim 13, Applicant's arguments regarding Kim not teaching "checking an action request" and "receiving an action request" both in the recited "generic device emulator" (page 10) again refers to limitations that have been amended into the claim language and would require further search and consideration.

As to Claims 1-3, Applicant argues that the Hite patent does not address device emulation (page 11). The Examiner respectfully disagrees. The cited sections of the Hite patent clearly teach device emulation (column 6, lines 5-8, 22-27 and 33-40, "...spawn a software logical or virtual device that is representative or associated with a physical device...", "...software device emulator that is operable to spawn one or more software logical devices...").

As to Claims 10-12, Applicant argues that the UPnPIC documentation either alone or in combination with the Skingsley patent does not teach or suggest the above quoted language of claim 10 (pages 12-13). These arguments are directed to limitations that have been amended into claim 10 and will require further search and consideration.

As to Claims 4 and 5, the Examiner has responded to arguments regarding claim 1 above and further holds that the cited sections of Kumar are relevant.

As to Claims 6, 7 and 9, the Examiner has responded to arguments regarding claim 1 above and further holds that the cited sections of Skingsley are relevant.

As to Claim 13, the Examiner has responded to arguments regarding claim 13 above, and further holds the cited sections of Kumar to be relevant.

As to Claim 8, the Examiner has responded to the arguments regarding claim 1 above and further holds the cited sections of Skingsley to be relevant.

As to Claim 17, the Examiner has responded to the arguments regarding claim 13 above, and further holds the cited sections Skingsley to be relevant.